



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MEMORANDUM

DATE: July 20, 2017

SUBJECT: Morgan Lake Status

FROM: Gary Sheth

TO: Administrative Record for NPDES Permit NN0000019 and NPDES Permit NN0028193

Background

The current Arizona Public Service Company (APS) NPDES permit for the Four Corners Power Plant (NN0000019) permit and the current Navajo Transitional Energy Company (NTEC) NPDES permit for the Navajo Mine (NN0028193) expired in April 2006 and April 2013 respectively. With timely submittal of permit renewal applications both permits are currently administratively extended and draft permits were public noticed in December 2014 and August 2015 respectively. The final renewal permits are yet to be issued. Both facilities discharge into Morgan Lake, a cooling lake adjacent to the power plant and the mine. The current Power Plant permit imposes limits at the outfall from Morgan Lake, while the current Navajo Mine permit imposes limits on one outfall into Morgan Lake. This has caused some confusion as to the status of Morgan Lake and whether it is a Water of the United States.

Review and Conclusion

~~To clarify this issue,~~ EPA requested information from APS who use Morgan Lake as a recirculating cooling water lake, about the construction of this water body. On or about March 17, 2017 APS provided topographical maps of the area containing Morgan Lake and the downgradient zone extending to the Chaco Wash. APS also provided photographs of the area that now contains Morgan Lake, which were taken during construction of the dam and the lake. Based on the information submitted, it appears that Morgan Lake is a man-made water body constructed wholly in ~~dry~~ upland areas, and which did not impound any existing Water of the United States. Therefore Morgan Lake is not a Water of the United States.